

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

AMBER S. EMMERT §

VS. § CIVIL ACTION NO. 1:08-CV-235

NATHANEAL QUARTERMAN §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Anthony Summers, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, filed a lawsuit on behalf of himself and several prison employees, including Amber S. Emmert. The claim purportedly asserted by Ms. Emmert was severed from the original lawsuit and assigned the cause number set forth above.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case as improvidently filed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the 28 day of May, 2008.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge